

**UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION**

In Re:)	Case No.: 10-10684
)	
POWER DEVELOPMENT, LLC)	Chapter: 11
)	
<u>Debtor(s).</u>)	

MOTION TO DISMISS

The Office of the Bankruptcy Administrator ("Bankruptcy Administrator") for the Western District of North Carolina moves the Court for an Order dismissing this proceeding pursuant to 11 U.S.C. § 1112, and says:

1. This is a Chapter 11 proceeding in which a voluntary petition was filed on June 11, 2010.
2. On June 14, 2010, an Operating Order was entered in this case. That Order provided, in part, that the Debtor file monthly status reports, pay quarterly fees and provide the Bankruptcy Administrator proof of insurance coverage on all property of the Debtor and property of the estate within ten days of the date of filing.
3. The Debtor has not filed monthly status reports for June, 2010 and July, 2010 and owes quarterly fees for the second quarter of 2010.
4. The Debtor did not provide proof of any insurance until August 23, 2010, and the Debtor indicated that it must borrow funds in order to purchase general liability insurance. As of the filing of this Motion, proof of general liability insurance has not been received.
5. At the continued 11 U.S.C. § 341 Meeting of Creditors held on July 28, 2010, the Debtor was advised to amend its schedules to provide additional detail and to make corrections.
 - a. At a telephone conference held on August 26, 2010 with the Bankruptcy Administrator, D. Rodney Kight, attorney for the Debtor, and Judge George R. Hodges, the Debtor was given an additional ten (10) days to file amended schedules.
 - b. As of the filing of this Motion, the Debtor has not filed amendments to its schedules.
6. The Debtor's Statement of Financial Affairs listed income from operation of

business as \$733,874.00 for 2008, \$0.00 for 2009 and approximately \$15,000.00 for 2010 to the petition date.

Wherefore, the undersigned moves to dismiss the Debtor's case based on the Debtor's failure to comply with the terms of this Court's Operating Order in that the Debtor has failed to file monthly status reports, failed to pay quarterly fees, failed to provide proof of adequate insurance, failed to amend its schedules, and the Debtor is unlikely to reorganize or to propose a feasible plan, and for such other and further relief as the Court deems just and proper.

This the 2nd day of September, 2010.

/s/Alexandria P. Kenny

Alexandria P. Kenny, Bankruptcy Attorney

United States Bankruptcy Administrator

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CERTIFICATE OF SERVICE

The undersigned certifies that the pleading(s) or paper(s) to which this Certificate is affixed was served upon the party(s) to this action listed below by depositing a copy of the same, enclosed in a first-class postpaid, properly addressed wrapper, in a Post Office or official depository under the exclusive care and custody of the United States Postal Service and/or by means of the Electronic Filing System of the Bankruptcy Court on September 2, 2010.

Power Development, LLC
373 Biltmore Avenue
Asheville, NC 28801

D. Rodney Kight, Jr.
- Served *electronically*

Kenneth M. Greene
-Served *electronically*

Michael G. Gallerizzo
-Served *electronically*

/s/Alexandria P. Kenny
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